

---

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>ROBERT P. PROROK, JR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No. 1:25-cv-05436</b>
	)	
<b>CITY COLLEGES OF CHICAGO FOUNDATION d/b/a WILBUR WRIGHT COMMUNITY COLLEGE,</b>	)	
	)	<b>JURY DEMAND</b>
<b>Defendant.</b>	)	
	)	

---

**COMPLAINT  
AS AND FOR A FIRST CAUSE OF ACTION  
(AGE DISCRIMINATION IN VIOLATION TO THE ADEA)**

NOW COMES Plaintiff, **ROBERT P. PROROK, Jr.** (“Plaintiff”), by and through his attorneys, MICHAEL T. SMITH & ASSOCIATES, P.C., and in complaining of the Defendant, **CITY COLLEGES OF CHICAGO FOUNDATION d/b/a WILBUR WRIGHT COMMUNITY COLLEGE** (“Defendant”), states as follows:

**JURISDICTION AND VENUE**

1. Plaintiff brings this action for benefits under the Age Discrimination in Employment Act of 1967 (hereinafter sometimes referred to as the ADEA), 29 U.S.C. § 621-634, under the specific provisions of the Age Discrimination in Employment Act, viz. 29 U.S.C. § 626(c).

2. Jurisdiction of this action is conferred upon the Court by Section 7(b) of the Age Discrimination in Employment Act, 29 U.S.C. § 626 (b) and Venue 28 U.S.C. §

1331.

3. The employment practices hereafter alleged to be unlawful were and are now being committed in the Northern District of Illinois, Eastern Division.

### **PARTIES**

4. Plaintiff is an adult person and a resident of Chicago, Cook County, State of Illinois.

5. Plaintiff has been employee of DEFENDANT, for over 11 years and forced to retire on February 17, 2023.

6. DEFENDANT is a Public School, body politic ad created under the laws of Illinois, and an employer within the meaning of the Civil Rights Act and 42 U.S.C. 2000(e) *et seq.*, and has been at all times material to the allegations herein.

### **STATEMENT OF FACTS**

7. Plaintiff was a Business Manager at DEFENDANT's facility in Chicago, Illinois.

8. At all times relevant, DEFENDANT has been and is now a corporation doing business in the State of Illinois and other surrounding States and has continuously had and now more than five hundred (500+) employees.

9. Plaintiff was born in 1952 and falls within the group protected by the ADEA.

10. At all times material herein and hereinafter mentioned the DEFENDANT Corporation has engaged in and employed its employees in commerce and in the production of educational services for commerce between points in many states. DEFENDANT was, and is, and has been, at all times material herein, engaged in commerce within the meaning of the ADEA.

11. DEFENDANT Corporation is an employer within the meaning of the ADEA.

12. Plaintiff was an employee of DEFENDANT for approximately 11 years until he was forced to retire due to actions of DEFENDANT's agents in violation of the ADEA.

13. In or about February 17, 2023, the Plaintiff, while meeting the minimum standards of his employer, DEFENDANT willfully discriminated against Plaintiff because of his age, and disability by forcing him from employment and treating younger employees, with no disabilities, then replacing him with a younger female employee who was under 40 years of age.

14. As a result of the DEFENDANT's action, the Plaintiff has been deprived of his wages and employment benefits.

15. In addition, the Plaintiff seeks to be reinstated, but if he is not reinstated, he will continue to be deprived of wages and employment benefits in the future. The Plaintiff is therefore entitled to an award of front pay if reinstatement is not possible.

16. DEFENDANT's conduct was at all times willful and wanton to entitle the Plaintiff to liquidated damages.

### **PROCEDURAL FACTS**

17. Plaintiff protested his unlawful treatment and filed charges of discrimination alleged with the Equal Employment Opportunity Commission at Chicago (EEOC), Illinois. A true and correct copy of the Charge of Discrimination is attached hereto as Exhibit "A" and incorporated herein. Efforts by that agency to obtain voluntary compliance by the DEFENDANT with the Age Discrimination in Employment Act have been unsuccessful thereby causing the EEOC to issue a Notice of Right to Sue letter. A

true and correct copy of the Notice of Right to Sue on is attached hereto as Exhibit "B" and incorporated herein.

18. This action has been timely filed within ninety (90) days of the receipt of the Notice of Right to Sue.

WHEREFORE, the Plaintiff prays that the court orders such relief as is necessary to make the Plaintiff whole, including:

1. Reinstatement or, alternatively, front pay;
2. Damages, including loss of pay and benefits;
3. Statutory liquidated damages due to the DEFENDANT's willful conduct;
4. Attorneys' fees and costs incurred in this action
5. Such other relief as is just and equitable.
6. The Plaintiff requests a jury trial of this action.

**AS AND FOR A SECOND CAUSE OF ACTION  
(DISCRIMINATION UNDER THE AMERICANS WITH DISABILITIES ACT)  
NATURE OF ACTION**

19. This is an action is brought under Title I of the Americans with Disabilities Act of 1990 and Title I of the Civil Rights Act of 1991, to correct unlawful employment practices on the basis of disability (handicap) and to make the Plaintiff whole. DEFENDANT discriminated against Plaintiff, a qualified individual with a handicap, because of his disability.

**JURISDICTION AND VENUE**

20. Jurisdiction of this Court is invoked pursuant to 28 U.S.C.A. & & 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 107(a) of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C.A. § 12117(a), which

incorporates by reference Sections 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C.A. § § 2000e-5 (f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C.A. § 1981(A) . The employment practices hereafter alleged to be unlawful were and are now being committed in the Northern District of Illinois, Eastern Division.

21. Plaintiff realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

22. DEFENDANT is an employer as that term is defined under the American Disability Act at all times material to the allegations herein.

23. Plaintiff has a disability, in that, he has a record of, or is regarded as having a mental impairment of Physical Impairment that substantially limits one or more of his major life activities but said disability is not related to her ability to perform the essential functions of her assigned duties with DEFENDANT.

#### **STATEMENT OF CLAIMS**

24. Despite DEFENDANT listing itself as an equal employment company and having a policy against discrimination to the disabled, DEFENDANT intentionally discriminated against Plaintiff by causing his resignation Plaintiff because of his handicap or disability, which violates his rights under the American Disability Act.

25. Further, the Plaintiff while meeting the minimum standards of his employer, DEFENDANT willfully discriminated against Plaintiff because of his age and disability by causing him to retire from employment and treating younger employees, with no disabilities, who are under 40, to lesser performance standards and excessive discipline.

26. DEFENDANT's acts and omissions to act violate applicable provisions of the

American Disability Act.

27. The discriminatory action of DEFENDANT as set forth above has caused Plaintiff to be harmed in that Plaintiff has suffered in his position and has suffered lost income, emotional pain, humiliation, mental anguish, loss of enjoyment of life, and emotional distress.

28. Plaintiff has no adequate remedy at law to secure relief. If this court does not enter an order for DEFENDANT to reinstate Plaintiff and thereafter accommodate her, Plaintiff will be irreparably injured.

**AS AND FOR A THIRD CAUSE OF ACTION  
(TITLE VII SEX DISCRIMINATION)**

29. Plaintiff realleges each and every allegation set forth above with the same force and effect as if more fully set forth herein.

30. This is an action under Title VII of the Civil Rights Act of 1964 and as amended by inter alia, the Civil Rights Act of 1990, 42 U.S.C. 2000(e) *et seq.*, for PLAINTIFF having subjected PLAINTIFF to sex discrimination by failure to treat her the same as male employees despite PLAINTIFF's complaints about same.

**STATEMENT OF CLAIMS**

31. DEFENDANT intentionally subjected PLAINTIFF to unequal, hostile and discriminatory treatment by discriminating and harassing PLAINTIFF based on his sex and holding him to a higher standard of performance then replacing him with a younger female employee.

32. By engaging in discriminatory conduct, DEFENDANT discriminated against

Plaintiff in violation of 42 U.S.C. 2000(e) as amended.

33. The discriminatory action of DEFENDANT as set forth above has caused PLAINTIFF to suffer loss of earnings, and as a further proximate result of DEFENDANT's unlawful and intentional discriminatory actions against PLAINTIFF, as alleged above, PLAINTIFF has been harmed in that PLAINTIFF has suffered in his position, his work environment became impaired and also his work performance causing him to resign from his employment with the defendant.

34. As a further proximate result of DEFENDANT's unlawful and intentional discriminatory actions against PLAINTIFF, as alleged above, PLAINTIFF has been harmed in that PLAINTIFF has suffered emotional pain, humiliation, mental anguish, loss of enjoyment of life, and emotional distress.

35. All the above are in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000-3 *et seq*; as amended by inter alia the Civil Rights Act of 1990.

36. As a result of such discrimination and consequent harm, PLAINTIFF has suffered such damages in an amount according to proof.

37. Further, said action on the part of the DEFENDANT was carried out with malice and reckless disregard for PLAINTIFF's protected rights.

### **PRAYER FOR RELIEF**

WHEREFORE, PLAINTIFF prays for judgment as follows:

1. Declare the conduct engaged in by Defendant to be in violation of Plaintiff's rights;
2. For injunctive relief, including but not limited to reinstatement and relief required to make PLAINTIFF whole for any losses caused by the violations of DEFENDANT and protect him from further mental harm;

3. For compensatory damages in an amount according to proof;
4. For costs of suit, including reasonable attorney's fees and expert fees, pursuant to 42 U.S.C.A § 12117(a), which incorporates the remedies set forth in Title VII of the Civil Rights Act of 1964, Title 42 U.S.C.A. § 2000e-5(k); and
5. For such other and further relief as the court deems proper.

**ROBERT P. PROROK, JR.**  
BY: /s/ Michael T. Smith  
Michael T. Smith  
Trial Attorney

Michael T. Smith  
Law Offices of Michael T. Smith & Associates, P.C.  
3030 Warrenville Road, Suite 450-42  
Lisle, Illinois 60532  
(847) 450-1103 | (847) 895-0626  
[Msmith39950@aol.com](mailto:Msmith39950@aol.com)  
[Msmithlaw123@gmail.com](mailto:Msmithlaw123@gmail.com)



**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**ROBERT P. PROROK, JR.,**

**Plaintiff,**

**V.**

**CITY COLLEGES OF CHICAGO  
FOUNDATION d/b/a WILBUR WRIGHT  
COMMUNITY COLLEGE,**

**Defendant.**

**Case No. 1:25-cv-05436**

## JURY DEMAND

## COMPLAINT

# EXHIBIT A

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To:      Agency(ies) Charge No(s):  <div style="display: flex; justify-content: space-between;"> <span>EEOC</span> <span><b>440-2023-04129</b></span> </div> <div style="display: flex; justify-content: space-between;"> <span>FEPA</span> <span></span> </div>	
<b>Illinois Department Of Human Rights</b> <i>State or local Agency, if any</i>		and EEOC	
I Name (indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.) <b>Mr. Robert P. Prorok Jr.</b>		Home Phone <div style="background-color: black; width: 100px; height: 20px;"></div>	Year of Birth 1952
Street Address <div style="background-color: black; width: 100%; height: 30px;"></div>			
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name <b>WILBUR WRIGHT COMMUNITY COLLEGE</b>		No. Employees, Members <b>501+ Employees</b>	Phone No. 
Street Address <b>4300 N NARRAGANSETT AVE</b> <b>CHICAGO, IL 60634</b>			
Name 		No. Employees, Members 	Phone No. 
Street Address 		City, State and ZIP Code 	
DISCRIMINATION BASED ON  Age, Sex		DATE(S) DISCRIMINATION TOOK PLACE  <div style="display: flex; justify-content: space-between;"> <span>Earliest</span> <span>Latest</span> </div> <div style="display: flex; justify-content: space-between;"> <span>02/17/2023</span> <span>02/17/2023</span> </div>	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):  <p>I began my employment with Respondent in or around 2011. My most recent position was Business Manager. Respondent was aware of my disability. During my employment, I was subjected to harassment. I was also subjected to different terms and conditions of employment, including but not limited to, being required to keep my office door open, and not allowed to work from home. On or about February 17, 2023, Respondent eliminated my Business Manager position, and I was forced to retire. Subsequently, Respondent changed my position title to Director of Business Services and replaced me with a younger female.</p> <p>I believe I was discriminated against because of my disability, in violation of the Americans with Disabilities Act of 1990, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.  <b>Digitally Signed By: Mr. Robert P. Prorok Jr.</b>  <b>07/26/2023</b>  <div style="text-align: right;"><i>Charging Party Signature</i></div>		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT   SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 5 (11/09)

<p align="center"><b>CHARGE OF DISCRIMINATION</b></p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To:      Agency(ies) Charge No(s):</p> <p align="center">EEOC                              <b>440-2023-04129</b></p> <p align="center">FEPA</p>
<p align="center"><b>Illinois Department Of Human Rights</b> and EEOC</p> <p align="center"><i>State or local Agency, if any</i></p>	
<p>I believe I was discriminated against because of my sex, male, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p> <p>I also believe I was discriminated against because of my age, 70 (Year or Birth: 1954), in violation of the Age Discrimination in Employment Act of 1967, as amended.</p>	

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><b>Digitally Signed By: Mr. Robert P. Prorok Jr.</b></p> <p><b>07/26/2023</b></p> <p align="right"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>

CP Enclosure with EEOC Form 5 (11/09)

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ROBERT P. PROROK, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:25-cv-05436
	)	
CITY COLLEGES OF CHICAGO	)	
FOUNDATION d/b/a WILBUR WRIGHT	)	JURY DEMAND
COMMUNITY COLLEGE,	)	
	)	
Defendant.	)	

COMPLAINT

EXHIBIT B



---

**Fwd: 440-2023-04129 Robert Prorok v. Wilbur Wright Community College**

1 message

---

----- Forwarded message -----

From: **EVA BARAN** <[EVA.BARAN@eeoc.gov](mailto:EVA.BARAN@eeoc.gov)>

Date: Thu, Apr 3, 2025, 7:46 AM

Subject: RE: 440-2023-04129 Robert Prorok v. Wilbur Wright Community College

To: Robert Prorok <[robertprorok120652@gmail.com](mailto:robertprorok120652@gmail.com)>

Good Morning,

As requested, please see the attached Notice of Right to Sue. Additionally, please see the link for more information on filing a lawsuit:

[Filing a Lawsuit | U.S. Equal Employment Opportunity Commission](#)

Best Regards,



**Eva Baran**

Investigator

Chicago District Office

U.S. Equal Employment Opportunity  
Commission

Email: [Eva.Baran@eeoc.gov](mailto:Eva.Baran@eeoc.gov)

Phone: 312.872.9681